

**PAUL J. FISHMAN**  
**United States Attorney**  
**BY: EREZ LIEBERMANN**  
**SETH KOSTO**  
**Assistant United States Attorney**  
**970 Broad Street, Suite 700**  
**Newark, New Jersey 07102**  
**(973) 645-7000**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

<b>UNITED STATES OF AMERICA</b>	:	<b>Honorable KATHARINE S. HAYDEN</b>
<i>Plaintiff,</i>	:	<b>Criminal No. 10-114</b>
<b>v.</b>	:	
<b>KENNETH LOWSON</b>	:	<b>PRELIMINARY ORDER OF</b>
<i>Defendant.</i>	:	<b>FORFEITURE</b>

**WHEREAS**, on April 20, 2010, the United States filed a Superseding Indictment, Criminal No. 10-114(KSH), against Kenneth Lowson, charging him with violations of Title 18, United States Code, Sections 371, 1030 and 1343; and

**WHEREAS**, on November 18, 2010, Kenneth Lowson pled guilty to the Superseding Indictment; and

**WHEREAS**, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), the Court in imposing sentence on a person convicted of an offense in violation of Title 18, United States Code, Section 1343 shall order that person to forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the violation of Section 1343; and

**WHEREAS**, pursuant to Title 18, United States Code, Section 982, the Court in imposing sentence on a person convicted of an offense in violation of Title 18, United States Code, Section 1030 shall order that person to forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of the section 1030 violation; and

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of the following property:

- a. \$1,225,000 in United States currency;
- b. Hewlett Packard Proliant DL360 Server, S/N EAOHMSFZ3S;
- c. Hewlett Packard Proliant DL360 Server, S/N EAOCMSFZ3S;
- d. Maxtor HD S/N: Y3JJHQWE;
- e. Seagate HD S/N: 6RA8X4KJ;
- f. Seagate HD S/N: 6RA8XZTP;
- g. Apple XServe RAID, S/N QPG40041UAG;
- h. General Technics Server, Labeled AN041, S/N GT052307;
- i. General Technics Server Labeled AN047, S/N GT05230;
- j. HP Proliant DL360 Server Labeled TYCHE, S/N EAOGMSFZ3S;
- k. Apple XServe, S/N G86511MUV2Q;
- l. Apple XServe Labeled AN066, S/N QP50807USLZ;
- m. General Technics Server Labeled AN039, S/N GT052294;
- n. HP Proliant DL145 Server Labeled TDC-DEV, S/N USE827N4F9;
- o. HP Proliant DL360 Server Labeled Artemis, S/N EA5SMSGZ3P;

- p. General Technics Server Labeled AN016, S/N GT032829;
- q. HP Proliant DL360 Server Labeled AN070, S/N EA02MSFZ3M;
- r. General Technics Server Labeled PERSEPHONE, S/N GT027669;
- s. General Technics Server Labeled AN009, S/N GT028225;
- t. General Technics Server Labeled AN049, S/N GT052305;
- u. Apple XServe, S/N G88050BDX8S;
- v. HP Proliant DL145 Server Labeled PTS255, S/N USE827N47H;
- w. HP Proliant DL380 Server Labeled AN057 AMUN, S/N EADKKJNZ32;
- x. HP Proliant DL385G2 Server Labeled CERBERUS, S/N USE812NF2H;
- y. HP Proliant ML350 Server Labeled AN065, S/N EA25MT6Z3M;
- z. Apple Mac Pro, S/N G88161P5XYL;
- aa. Apple iMac 2411 Monitor/CPU, S/N W86424NXVGN;
- bb. Seagate External Hard Drive Labeled AN121 Temp Disk, S/N 5NF2MB47;
- cc. HP DL145R03 Server In Box, S/N USE827N4G9;
- dd. HP DL145R03 Server In Box, S/N USE827N4F8;
- ee. HP DL14SR03 Server In Box, S/N USE827N4GS;
- ff. HP DL145R03 Server In Box, S/N USE827N4FM;
- gg. HP DL14SR03 Server In Box, S/N USE827N47N;
- hh. HP DL145R03 Server In Box, S/N USE827N4GB;
- ii. HP DL14SR03 Server In Box, S/N USE827N4FN;
- jj. HP DL145R03 Server In Box, S/N USE827N4FK;
- kk. HP DL145R03 Server In Box, S/N USE827N4GH;

- ll. HP DL145R03 Server In Box, S/N USE827N4GD;
- mm. HP DL145R03 Server In Box, S/N USE827N4GA;
- nn. HP DL145R03 Server In Box, S/N USE827N4FA;
- oo. HP DL145R03 Server In Box, S/N USE827N4F5;
- pp. HP DL145R03 Server In Box, S/N USE827N47L;
- qq. HP DL145R03 Server In Box, S/N USE827N4GK;
- rr. HP DL145R03 Server In Box, S/N USE751N4ZM;
- ss. HP DL145R03 Server In Box, S/N USE751N4ZS;
- tt. HP DL145R03 Server In Box, S/N USE751N438HP;
- uu. Proliant DL360 Server In Box Labeled Advanced Networks, S/N USM546003L;
- vv. Toshiba Hard Drive, S/N 75CW1640S;
- ww. Maxtor Hard Drive, S/N Y2AMBMQE;
- xx. Maxtor Hard Drive, S/N Y2AMBNNE;
- yy. Apple 30" Cinema Hd Display Monitor, S/N CY6490C5UG1;
- zz. Netgear Model GSM7352S Switch, S/N 18J3674000001;
- aaa. HP Proliant DL145 Server Labeled PTS242, S/N USE827N4FK;
- bbb. Apple iSight Camera, Model 1023, S/N W9331-5CBMZL;
- ccc. HP Proliant DL145 Server Labeled PTS170, S/N USE751N44A;
- ddd. HP Proliant DL145 Server Labeled PTS237, S/N USE827N47N;
- eee. HP Proliant DL145 Server Labeled PTS236, S/N USE827N4GB;
- fff. Apple XServe Labeled XSERV4, S/N G86511MTV2Q;
- ggg. HP Proliant DL360 Server Labeled AN078, S/N EAOMMSFZ3S;

- hhh. HP Proliant DL360 Server Labeled ADVANCEDNETX.NET;
- iii. AN081, S/N EAODMSFZ3S;
- jjj. HP Proliant DL360 Server Labeled ADVANCEDNETX.NET AN081, S/N  
EA09MSFZ3S;
- kkk. HP Proliant DL360 Server Labeled AN091, S/N EA05MSFZ3S;
- lll. Apple Mac Mini Computer, S/N YM6252E3U35;
- mmm. Apple 24" Cinema HD Display Monitor, S/N 2A8121KEXMN;
- nnn. Apple 24" Cinema HD Display Monitor, S/N 2A72845GXMN;
- ooo. Apple 30" Cinema HD Display Monitor, S/N CY62014XUG1;
- ppp. Apple 30" Cinema HD Display Monitor, S/N CY43909ZPKM;
- qqq. IOGear 2 Port DVI KVMP Switch, Model GCS1762, S/N 01550025AAV0484;
- rrr. Seagate Hard Drive, S/N 9LR1DSJ9;
- sss. Seagate Hard Drive, S/N 3EK154NH; and
- ttt. Silver-colored Mac Pro/3.2, SERIAL # G8805001XYL

(hereinafter "the property") because it represents proceeds traceable to violations of Title 18, United States Code, Section 1030 and/or 1343; and

**WHEREAS**, Defendant, Kenneth Lowson acknowledges that the Property represents proceeds traceable to the violation of Title 18, United States Code, Section 1030 as set forth in the Superseding Indictment and is therefore subject to forfeiture pursuant to Title 18, United States Code, Section 982; and

**WHEREAS**, Defendant, Kenneth Lowson acknowledges that the Property represents property, real or personal, which constitutes or is derived from proceeds traceable to Title 18,

United States Code, Section 1343 as set forth in the Superseding Indictment , and is therefore subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c); and

**WHEREAS,** The defendant, Kenneth Lowson waives all interests in and claims to the Property described above, and hereby consents to the forfeiture of the Property to the United States. The Defendant, Kenneth Lowson , agrees to consent promptly upon request to the entry of any orders deemed necessary by the Government or the Court to complete the forfeiture and disposition of the Property. The Defendant, Kenneth Lowson waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in Defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment. The Defendant, Kenneth Lowson, acknowledges that he understands that forfeiture of the Property will be part of the sentence imposed upon the Defendant in this case and waives any failure by the Court to advise Defendant of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing. Pursuant to Rule 32.2(b)(3), The Defendant, Kenneth Lowson, will promptly consent to the finalization of the order of forfeiture before sentencing if requested by the Government to do so. The Defendant, Kenneth Lowson hereby waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the Property described above. Defendant waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this consent judgment.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

**THAT** the herein described Property, namely ;

- a. \$1,225,000 in United States currency;
- b. Hewlett Packard Proliant DL360 Server, S/N EAOHMSFZ3S;
- c. Hewlett Packard Proliant DL360 Server, S/N EAOCMSFZ3S;
- d. Maxtor HD S/N: Y3JJHQWE;
- e. Seagate HD S/N: 6RA8X4KJ;
- f. Seagate HD S/N: 6RA8XZTP;
- g. Apple XServe RAID, S/N QPG40041UAG;
- h. General Technics Server, Labeled AN041, S/N GT052307;
- i. General Technics Server Labeled AN047, S/N GT05230;
- j. HP Proliant DL360 Server Labeled TYCHE, S/N EAOGMSFZ3S;
- k. Apple XServe, S/N G86511MUV2Q;
- l. Apple XServe Labeled AN066, S/N QP50807USLZ;
- m. General Technics Server Labeled AN039, S/N GT052294;
- n. HP Proliant DL145 Server Labeled TDC-DEV, S/N USE827N4F9;
- o. HP Proliant DL360 Server Labeled Artemis, S/N EA5SMSGZ3P;
- p. General Technics Server Labeled AN016, S/N GT032829;
- q. HP Proliant DL360 Server Labeled AN070, S/N EA02MSFZ3M;
- r. General Technics Server Labeled PERSEPHONE, S/N GT027669;
- s. General Technics Server Labeled AN009, S/N GT028225;
- t. General Technics Server Labeled AN049, S/N GT052305;

- u. Apple XServe, S/N G88050BDX8S;
- v. HP Proliant DL145 Server Labeled PTS255, S/N USE827N47H;
- w. HP Proliant DL380 Server Labeled AN057 AMUN, S/N EADKKJNZ32;
- x. HP Proliant DL385G2 Server Labeled CERBERUS, S/N USE812NF2H;
- y. HP Proliant ML350 Server Labeled AN065, S/N EA25MT6Z3M;
- z. Apple Mac Pro, S/N G88161P5XYL;
- aa. Apple iMac 2411 Monitor/CPU, S/N W86424NXVGN;
- bb. Seagate External Hard Drive Labeled AN121 Temp Disk, S/N 5NF2MB47;
- cc. HP DL145R03 Server In Box, S/N USE827N4G9;
- dd. HP DL145R03 Server In Box, S/N USE827N4F8;
- ee. HP DL14SR03 Server In Box, S/N USE827N4GS;
- ff. HP DL145R03 Server In Box, S/N USE827N4FM;
- gg. HP DL14SR03 Server In Box, S/N USE827N47N;
- hh. HP DL145R03 Server In Box, S/N USE827N4GB;
- ii. HP DL14SR03 Server In Box, S/N USE827N4FN;
- jj. HP DL145R03 Server In Box, S/N USE827N4FK;
- kk. HP DL145R03 Server In Box, S/N USE827N4GH;
- ll. HP DL145R03 Server In Box, S/N USE827N4GD;
- mm. HP DL145R03 Server In Box, S/N USE827N4GA;
- nn. HP DL145R03 Server In Box, S/N USE827N4FA;
- oo. HP DL145R03 Server In Box, S/N USE827N4F5;
- pp. HP DL145R03 Server In Box, S/N USE827N47L;

- qq. HP DL145R03 Server In Box, S/N USE827N4GK;
- rr. HP DL145R03 Server In Box, S/N USE751N4ZM;
- ss. HP DL145R03 Server In Box, S/N USE751N4ZS;
- tt. HP DL145R03 Server In Box, S/N USE751N438HP;
- uu. Proliant DL360 Server In Box Labeled Advanced Networks, S/N USM546003L;
- vv. Toshiba Hard Drive, S/N 75CW1640S;
- ww. Maxtor Hard Drive, S/N Y2AMBMQE;
- xx. Maxtor Hard Drive, S/N Y2AMBNNE;
- yy. Apple 30" Cinema Hd Display Monitor, S/N CY6490C5UG1;
- zz. Netgear Model GSM7352S Switch, S/N 18J3674000001;
- aaa. HP Proliant DL145 Server Labeled PTS242, S/N USE827N4FK;
- bbb. Apple iSight Camera, Model 1023, S/N W9331-5CBMZL;
- ccc. HP Proliant DL145 Server Labeled PTS170, S/N USE751N44A;
- ddd. HP Proliant DL145 Server Labeled PTS237, S/N USE827N47N;
- eee. HP Proliant DL145 Server Labeled PTS236, S/N USE827N4GB;
- fff. Apple XServe Labeled XSERV4, S/N G86511MTV2Q;
- ggg. HP Proliant DL360 Server Labeled AN078, S/N EAOMMSFZ3S;
- hhh. HP Proliant DL360 Server Labeled ADVANCEDNETX.NET;
- iii. AN081, S/N EAODMSFZ3S;
- jjj. HP Proliant DL360 Server Labeled ADVANCEDNETX.NET AN081, S/N  
EA09MSFZ3S;
- kkk. HP Proliant DL360 Server Labeled AN091, S/N EA05MSFZ3S;

- lll. Apple Mac Mini Computer, S/N YM6252E3U35;
- mmm. Apple 24" Cinema HD Display Monitor, S/N 2A8121KEXMN;
- nnn. Apple 24" Cinema HD Display Monitor, S/N 2A72845GXMN;
- ooo. Apple 30" Cinema HD Display Monitor, S/N CY62014XUG1;
- ppp. Apple 30" Cinema HD Display Monitor, S/N CY43909ZPKM;
- qqq. IOGear 2 Port DVI KVMP Switch, Model GCS1762, S/N 01550025AAV0484;
- rrr. Seagate Hard Drive, S/N 9LR1DSJ9;
- sss. Seagate Hard Drive, S/N 3EK154NH; and
- ttt. Silver-colored Mac Pro/3.2, SERIAL # G8805001XYL

is hereby forfeited to the United States of America pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) , Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 982; and

**THAT** pursuant to Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of this Order and of its intent to dispose of the property in such a manner as the Attorney General may direct, including posting notice on the official internet government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov) for at least 30 consecutive days; and

**THAT** pursuant to Title 21, United States Code, Section 853(n)(2), any person, other than the Defendant, asserting a legal interest in any of the above-listed forfeited property must file a petition with the Court within **thirty (30)** days of the final publication of notice or of receipt of actual notice, whichever is earlier, and state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property.

**THAT** pursuant to Title 21, United States Code, Section 853(n)(3), the petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought; and

**THAT** the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

**THAT** the aforementioned forfeited property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Property by the United States; and

**THAT** upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

**ORDERED** this 15<sup>th</sup> day of June 2011

A handwritten signature in dark ink, appearing to read "Katharine S. Hayden", is written over a horizontal line.

KATHARINE S. HAYDEN, U.S.D.J.  
United States District Judge